

AUG 05 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Massey et al.

Serial No.: 10/007,526

Filed: December 5, 2001

Examiner: Ceperley, Mary

Group Art Unit: 1641

For: GRAPHITIC NANOTUBES IN LUMINESCENCE ASSAYS

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 5, 2005.

Signature:

Aaron Haleva, Reg. No. 44,733

Sir:

PRELIMINARY AMENDMENT

This Preliminary Amendment is submitted in connection with a Request for Continued Examination (RCE) in the above-identified application. In response to the Final Office Action issued in this application on January 5, 2005 Applicants filed an Amendment After Final Rejection on May 5, 2005 and a Notice of Appeal on June 6, 2005. An Advisory Action issued on June 2, 2005 stating that the Amendment After Final had not been entered. Instead of filing an Appeal Brief, Applicants have filed the RCE. Accordingly, this Preliminary Amendment is timely, and addresses the issues raised in both the Final Office Action and the Advisory Action.

Amendments to Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.